

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TASHA M. ROMERO,
Plaintiff,

v.

No. CV-11-0711 CG

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ORDER GRANTING EAJA FEES

THIS MATTER is before the Court on Plaintiff's *Motion for Attorney Fees Pursuant to Equal Access to Justice Act* (Doc. 29) and its accompanying attorney affidavit (Doc. 29-1). Defendant filed his response and does not oppose the Motion. (Doc. 30 at 1-2).

IT IS THEREFORE ORDERED that *Motion for Attorney Fees Pursuant to Equal Access to Justice Act* (Doc. 29) is **GRANTED** and that Plaintiff Tasha M. Romero¹ is authorized to receive **\$4,934.35** in fees for payment to her attorney for services before this Court.²



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE

¹ See *Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (requiring EAJA fees to be paid to the claimant).

² In the future, if Ms. Romero's counsel is also awarded attorney fees pursuant to 42 U.S.C. § 406(b), she shall refund the smaller award to Ms. Romero pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) ("Fee awards may be made under both [EAJA and § 406(b)], but the claimant's attorney must refund to the claimant the amount of the smaller fee." (internal quotation marks and alteration omitted)).